

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case 19-CA-289275	Date Filed 1/21/2022

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer  Starbucks Corporation		b. Tel. No. (206) 318-2212
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code)  2401 Utah Avenue, Suite 800 Seattle, WA 98134	e. Employer Representative  Kevin Johnson, President and CEO	g. e-mail kevin.johnson@starbucks.com
		h. Number of workers employed 15
		i. Type of Establishment (factory, mine, wholesaler, etc.) Coffee Shop
j. Identify principal product or service Food and Beverage		

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section **8(a), subsections (1) and (3) and (4)** of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Within the last 6 months, the employer unlawfully disciplined a bargaining unit member in retaliation for **(b) (6), (b) (7)(C)** protected concerted activity in support of the Workers United organizing drive, and for **(b) (6), (b) (7)(C)** having testified at the NLRB representation hearing relating to that drive, and also obstructed the ability of multiple bargaining unit members to honor lawful subpoenas requiring their presence at that hearing.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

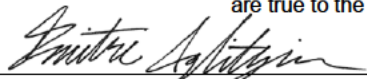
Workers United

**4a. Address (Street and number, city, state, and ZIP code)**Workers United  
22 South 22<sup>nd</sup> St  
Philadelphia, PA 191034b. Tel. No.  
(646) 448-6414

4c. Cell No.

4d. Fax No.  
(215) 575-90654e. e-mail  
rminter@pjbwu.org**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.



(signature of representative or person making charge)

Dmitri Iglitzin, Attorney

(Print/type name and title or office, if any)

Tel. No.  
(206) 257-6003

Office, if any, Cell No.

Fax No.  
(206) 378-4132e-mail  
Iglitzin@workerlaw.comBarnard Iglitzin & Lavitt LLP  
18 West Mercer St., Ste. 400  
Address Seattle, WA 98119

Date 1/21/2022

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**STARBUCKS CORPORATION**

**and**

**Case 19-CA-289275**

**WORKERS UNITED**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by Workers United (the “Union”). It is issued pursuant to § 10(b) of the National Labor Relations Act (the “Act”), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Rules and Regulations of the National Labor Relations Board (the “Board”), and alleges that Starbucks Corporation (“Respondent”) has violated the Act as described below.

1.

The charge in this proceeding was filed by the Union on January 21, 2022, and a copy was served on Respondent by U.S. mail on the same date.

2.

(a) At all material times, Respondent has been a corporation with an office and place of business located at 101 Broadway E., Seattle, Washington (the “facility”), and has been engaged in operating public restaurants selling food and beverages.

(b) In conducting its operations described above in paragraph 2(a) during the 12-month period ending January 21, 2022, a representative period, Respondent derived gross revenues in excess of \$500,000.

(c) In conducting its operations described above in paragraph 2(a) during the 12-month period ending January 21, 2022, a representative period, Respondent purchased and received at the facility goods valued in excess of \$50,000 directly from points outside the State of Washington.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act.

3.

At all material times, the Union has been a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of § 2(11) of the Act and/or agents of Respondent within the meaning of § 2(13) of the Act, acting on Respondent's behalf:

(b) (6), (b) (7)(C)

5.

(a) On or about January 14, 2022, Respondent, by (b) (6), (b) (7)(C) at the facility, threatened its employees with discipline if they attended a Board hearing pursuant to a subpoena without first securing their own shift coverage.

(b) On or about January 14, 2022, Respondent, by (b) (6), (b) (7)(C) at the facility, informed its employees that a subpoena requiring their attendance at a Board hearing does not excuse them from work.

6.

By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

7.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

**WHEREFORE**, the General Counsel seeks an Order providing for all relief as may be just and proper to remedy the unfair labor practices alleged, including, but not limited to, that Respondent:

(a) electronically distribute the Notice to Employees to all employees who are or have been employed by Respondent at the facility since January 14, 2022, by text messaging, posting on social media websites, and posting on internal apps, if Respondent communicates with its employees by such means;

(c) at a meeting or meetings scheduled to ensure the widest possible attendance, have one of the supervisors/agents listed above in paragraph 4 read the Notice to Employees and an Explanation of Rights to employees employed by Respondent at the facility on work time in the presence of a Board agent and a representative of the Union, OR have a Board agent read the Notice to Employees and an Explanation of Rights to employees employed

by Respondent at the facility on work time in the presence of one of the supervisors/agents listed above in paragraph 4 and a representative of the Union.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Complaint. The answer must be **received by this office on or before May 25, 2022.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required

signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

### **NOTICE OF HEARING**

**PLEASE TAKE NOTICE THAT** at, beginning at 9:00 a.m. (local time) on **the 13<sup>th</sup> day of September, 2022**, and on consecutive days thereafter until concluded, at a location and by a means and method to be determined, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 11<sup>th</sup> day of May, 2022.



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Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
915 2nd Ave., Ste. 2948  
Seattle, WA 98174

Attachments

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlrb.gov](http://www.nlrb.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

**in evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 19-CA-289275

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**E-Service**

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**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

STARBUCKS CORPORATION

and

WORKERS UNITED

CASE NO. 19-CA-289275

**ANSWER TO COMPLAINT**

Starbucks Corporation (“Respondent”) hereby answers the May 11, 2022 Complaint issued in the above-captioned matter as follows:

1.

Respondent admits that prior to receiving the present Complaint, it was served with an unfair labor charge dated January 21, 2022 and filed by Workers United (the “Union”). Respondent is without sufficient knowledge to admit or deny the alleged date the charge was filed or actually served and therefore, denies those remaining allegations in paragraph 1 of the Complaint.

2.

(a) It is not clear what period of time is encompassed by the phrase “at all times material” used in paragraph 2(a) of the Complaint. Respondent, therefore, only admits that since January 1, 2022 through the present time it has been a corporation with a place of business located at 101 Broadway E., Seattle, Washington engaged in operating public restaurants selling food and beverages. Respondent denies the remaining allegations in paragraph 2(a) of the Complaint.

(b) Admitted.

(c) Admitted.

(d) It is not clear what period of time is encompassed by the phrase “at all times material” used

in paragraph 2(d) of the Complaint. Respondent, therefore, only admits that from January 1, 2022 through the present time it has been an employer engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act. Respondent denies any remaining allegations in paragraph 2(d) of the Complaint.

3.

It is not clear what period of time is encompassed by the phrase “at all times material” used in paragraph 3 of the Complaint. Starbucks Corporation, therefore, only admits that from January 1, 2022 through the present time, the Union has been a labor organization within the meaning of § 2(5) of the Act. Respondent denies any remaining allegations in paragraph 3 of the Complaint.

4.

It is not clear what period of time is encompassed by the phrase “at all times material” used in paragraph 4 of the Complaint. Respondent, therefore, only admits that at certain times between January 1, 2022 and the present time, (b) (6), (b) (7)(C) have worked for Starbucks as supervisors within the meaning of § 2(11) of the Act and/or been Respondent’s agents within the meaning of § 2(13) of the Act, acting on Respondent’s behalf. However, Respondent denies the overly broad allegation inferred by paragraph 4 of the Complaint that each and every action by all three individuals was always as an agent and/or on Respondent’s behalf.

5.

(a) Denied.

(b) Denied.

6.

Denied.

7.

Denied.

Respondent further denies it has committed any unfair labor practices or that the General Counsel is entitled to any remedial Order, any special or extraordinary remedies sought in the Complaint, and/or to any other relief.

WHEREFORE except as specifically admitted above, Respondent denies each and every remaining allegation or request for relief in the Complaint.

### **AFFIRMATIVE AND OTHER DEFENSES**

1. The allegations in the Complaint fail to state a claim upon which relief may be granted.

2. The allegations in the Complaint are impermissibly vague and ambiguous and a denial of due process.

3. The allegations in the Complaint, and the charges underlying the Complaint, were filed and made in bad faith, and for vexatious and improper purposes, including to infringe upon Respondent's rights and the operation of its business.

4. To the extent that the Complaint contains allegations that are beyond the scope of the charge(s), such allegations are barred.

5. The determination to issue the Complaint was made without affording Respondent adequate notice of the purported basis for the Charge and/or a fair and equal opportunity to present evidence responding to the Charging Party's claims, and as a result without such notice or evidence, thus depriving Respondent of the due process to which it is entitled.

6. Respondent has acted at all times in good faith and in compliance with the Act and pursuant to its well-established rules and practices.

7. Respondent acted at all times in accordance with its lawful property and managerial rights.

8. The purported violations of Section 8(a)(1) alleged in the Complaint are barred to the extent that they conflict with, are contrary to, and precluded by the free speech rights Respondent has under Section 8(c) of the Act.

9. The purported violations of Sections 8(a)(1) alleged in the Complaint are barred to the extent that they conflict with, are contrary to, and precluded by Section 10(c) of the Act.

10. None of the alleged violations of the Act are predicated upon conduct that could be found to have interfered with, restrained, or coerced any employees in the exercise of rights guaranteed in Section 7 of the Act.

11. The National Labor Relations Board is not empowered to substitute its judgment for Respondent's lawful operational and/or employment decisions.

12. Assuming, *arguendo*, any Complaint allegation is found to be a violation of the Act, a retroactive remedy would be a manifest injustice and denial of due process.

13. Any statement made by any of Respondent's supervisor's and/or agents fall within the scope of Section 8(c) of the Act, and as such, neither constitutes nor can be used as evidence of an unfair labor practice.

14. The conduct alleged in the Complaint had a *de minimis* impact, if any, on rights guaranteed by Section 7 of the Act and thus no remedy exists that would further the purposes of the Act.

15. The allegations in the Complaint are contrary to, precluded by, and violate the First Amendment rights of Respondent.

16. The General Counsel lacks the proper authority to issue and litigate the Complaint.

17. Insofar as this case comes before the Board, Members Gwynne Wilcox and David Prouty should recuse themselves based on their past, present, and perceived relationship with the

Service Employees (“SEIU”) International and Local Unions, and their affiliates, including the Charging Party Workers United.

18. The National Labor Relations Act, as interpreted and/or applied, violates the Respondent’s rights under the U.S. Constitution.

19. The allegations in the Complaint are directly contrary to long-settled Board law, violate Respondent’s Constitutional rights, and have a clear chilling effect on Respondent’s constitutional and statutory rights to communicate with its partners about unions including without limitation their right to refrain from supporting any union.

20. Respondent reserves the right to amend, modify, revise and plead further any additional defenses, affirmative or otherwise, during the course of these proceedings.

**WHEREFORE**, Respondent Starbucks Corporation requests that an Order dismissing the Complaint in its entirety with prejudice, be entered and that Respondent have such other and further relief to which it may be entitled.

Dated: May 25, 2022

*/s/ Renea I. Saade*

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Renea I. Saade

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Telephone: 206.381.4913  
Facsimile: 206.447.6965

Attorneys for Starbucks Corporation

CERTIFICATE OF SERVICE:

I hereby certify that on the 25th day of  
May, 2022, a true and correct copy  
of the foregoing document was served on:

Dmitri Iglitzin  
Michael White  
Barnard, Iglitzin & Lavitt LLP  
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By ☐ Hand ☐ Mail ☒ Email

/s/ Renea I. Saade  
Renea I. Saade

4880-2265-2191.2 / 055187-1251

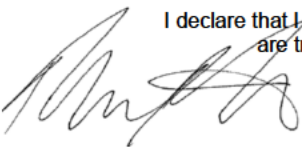


UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case <b>19-CA-290905</b>	Date Filed <b>2/18/2022</b>

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>			
a. Name of Employer  <b>Starbucks Corporation</b>		b. Tel. No. <b>(206) 318-2212</b>	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code)  <b>2401 Utah Avenue, Suite 800 Seattle, WA 98134</b>		e. Employer Representative  <b>Kevin Johnson, President and CEO</b>	
		g. e-mail <b>kevin.johnson@starbucks.com</b>	
		h. Number of workers employed <b>Approx. 90</b>	
i. Type of Establishment (factory, mine, wholesaler, etc.) <b>Coffee Shop</b>		j. Identify principal product or service <b>Food and Beverage</b>	
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
<b>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</b>  Within the last 6 months, the employer has responded to union organizing efforts by partners in the Seattle Reserve Roastery store by falsely claiming that an inevitable result of unionizing is the loss of existing benefits and privileges.			
<b>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</b> <b>Workers United</b>			
4a. Address (Street and number, city, state, and ZIP code)  <b>22 South 22nd St Philadelphia, PA 19103</b>		4b. Tel. No. <b>(646) 448-6414</b>	
		4c. Cell No.	
		4d. Fax No. <b>(215) 575-9065</b>	
		4e. e-mail <b>rminter@pjbwu.org</b>	
<b>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)</b> <b>Service Employees International Union.</b>			
<b>6. DECLARATION</b>   I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  _____ (signature of representative or person making charge) <b>Barnard Iglitzin &amp; Lavitt LLP</b> <b>18 West Mercer St., Ste. 400</b> <b>Address Seattle, WA 98119</b>		Tel. No. <b>206-257-6003</b>	
		Office, if any, Cell No.	
		Fax No. <b>206-378-4132</b>	
		e-mail <b>iglitzin@workerlaw.com</b>	
		(Print/type name and title or office, if any) <b>Dmitri iglitzin, Attorney</b>	
		Date <b>02/18/2022</b>	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

Amended

DO NOT WRITE IN THIS SPACE	
Case 19-CA-290905	Date Filed 3/17/2022

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer  Siren Retail Corporation d/b/a Starbucks		b. Tel. No. 206-624-0173
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code)  1124 Pike Street, Seattle, WA 98101	e. Employer Representative  Mary Clare Barth, Managing Director	g. e-mail  mbarth@starbucks.com
		h. Number of workers employed Appx. 99
i. Type of Establishment (factory, mine, wholesaler, etc.) Coffee shop	j. Identify principal product or service Food and beverages	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See Attached

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Workers United

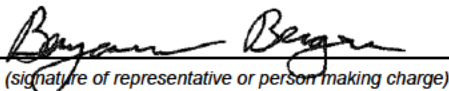
4a. Address (Street and number, city, state, and ZIP code)  22 South 22nd St Philadelphia, PA 19103	4b. Tel. No. (646) 448-6414
	4c. Cell No.
	4d. Fax No. (215) 575-9065
	4e. e-mail rminter@pjbwu.org

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

Service Employees International Union

## 6. DECLARATION

I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.

  
(signature of representative or person making charge)

Ben Berger, Attorney

(Print/type name and title or office, if any)

Barnard Iglitzin & Lavitt LLP  
18 W Mercer St, Suite 400

Address: Seattle WA 98119

Date: 03/17/2022

Tel. No. (206) 257-6006
Office, if any, Cell No.
Fax No. (206) 378-4132
e-mail berger@workerlaw.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

## **ATTACHMENT**

### **2. Basis of the Charge**

Within the last six months, the Employer has responded to union organizing efforts by employees at the Seattle Reserve Roastery store by coercing employees from exercising their statutory rights and discriminating against them with respect to compensation. These unlawful activities include, among other things:

- Denying an employee's request for a raise because of the employees' ongoing union campaign;
- Falsely telling employees that an inevitable result of unionizing is the loss of existing benefits and privileges;
- Telling employees that a first contract would inevitably take at least 12-18 months to negotiate and citing ongoing negotiations in Buffalo as proof of that inevitability;
- Falsely telling employees that if they choose union representation, they would be legally barred from bringing grievances directly to management and would not be able to participate directly in collective bargaining negotiations;
- Falsely telling employees that if they choose union representation and the majority voted to strike, employees would be legally obligated to participate in the strike; and
- Identifying to employees, should they choose union representation, terms and conditions of employment which the Employer would refuse to bargain over.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**2nd AMENDED CHARGE  
AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
19-CA-290905Date Filed  
3/31/2022**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer  Siren Retail Corporation d/b/a Starbucks		b. Tel. No. 206-624-0173
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code)  1124 Pike Street, Seattle, WA 98101	e. Employer Representative  Mary Clare Barth, Managing Director	g. e-mail  mbarth@starbucks.com
		h. Number of workers employed Appx. 99
i. Type of Establishment (factory, mine, wholesaler, etc.) Coffee shop	j. Identify principal product or service Food and beverages	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

See Attachment.

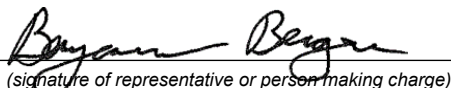
**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

Workers United

4a. Address (Street and number, city, state, and ZIP code)  22 South 22nd St Philadelphia, PA 19103	4b. Tel. No. (646) 448-6414
	4c. Cell No.
	4d. Fax No. (215) 575-9065
	4e. e-mail rminter@pjbwu.org

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

Service Employees International Union

**6. DECLARATION**I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.  
(signature of representative or person making charge)

Ben Berger, Attorney

(Print/type name and title or office, if any)

Barnard Iglitzin & Lavitt LLP  
18 W Mercer St, Suite 400  
Address Seattle, WA 98119

Date 03/31/2022

Tel. No.  
(206) 257-6006

Office, if any, Cell No.

Fax No.  
(206) 378-4132e-mail  
berger@workerlaw.com**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

## **ATTACHMENT**

### **2. Basis of the Charge**

Within the last six months, the Employer has responded to union organizing efforts by employees at the Seattle Reserve Roastery store by coercing employees from exercising their statutory rights. These unlawful activities include, among other things:

- Falsely telling employees that an inevitable result of unionizing is the loss of existing benefits and privileges;
- Telling employees that a first contract would inevitably take at least 12-18 months to negotiate and citing ongoing negotiations in Buffalo as proof of that inevitability;
- Falsely telling employees that if they choose union representation, they would be legally barred from bringing grievances directly to management and would not be able to participate directly in collective bargaining negotiations;
- Falsely telling employees that if they choose union representation and the majority voted to strike, employees would be legally obligated to participate in the strike; and
- Identifying to employees, should they choose union representation, terms and conditions of employment which the Employer would refuse to bargain over.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**SIREN RETAIL CORP. d/b/a STARBUCKS**

**and**

**Case 19-CA-290905**

**WORKERS UNITED affiliated with  
SERVICE EMPLOYEES INTERNATIONAL  
UNION**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by Workers United affiliated with Service Employees International Union (the “Union”). It is issued pursuant to § 10(b) of the National Labor Relations Act (the “Act”), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Rules and Regulations of the National Labor Relations Board (the “Board”), and alleges that Siren Retail Corp. d/b/a Starbucks (“Respondent”) has violated the Act as described below.

1.

(a) The charge in this proceeding was filed by the Union on February 18, 2022, and a copy was served on Respondent by U.S. mail on the same date.

(b) The first amended charge in this proceeding was filed by the Union on March 17, 2022, and a copy was served on Respondent by U.S. mail on March 18, 2022.

(c) The second amended charge in this proceeding was filed by the Union on March 31, 2022, and a copy was served on Respondent by U.S. mail on April 1, 2022.

2.

(a) At all material times, Respondent has been a corporation with an office and place of business located at 1124 Pike St. in Seattle, Washington (the “facility”), and has been engaged in operating public restaurants selling food and beverages.

(b) In conducting its business operations described above in paragraph 2(a) during the past 12 months, which period is representative of all material times, Respondent derived gross revenues in excess of \$500,000.

(c) In conducting its business operations described above in paragraph 2(a) during the past 12 months, which period is representative of all material times, Respondent purchased and received at the facility goods valued in excess of \$50,000 directly from points located outside the State of Washington.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act.

3.

At all material times, the Union has been a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of § 2(11) of the Act and/or agents of Respondent within the meaning of § 2(13) of the Act, acting on Respondent’s behalf:

(b) (6), (b) (7)(C)	(last name unknown) –	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(last name unknown) –	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	–	(b) (6), (b) (7)(C)

5.

(a) On or about February 14, 2022, the Union filed a petition in Case 19-RC-290608 seeking to represent certain employees at the facility.

(b) On or about February 14, 2022, Respondent, by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) on Facebook, threatened its employees by telling them that they would lose their Term Limited Assignments (“TLA”), Arizona State University (“ASU”), and/or healthcare benefits if they unionized.

(c) Respondent engaged in the conduct described above in paragraph 5(b) because employees engaged in union and/or protected concerted activities, including filing and/or supporting the representation petition in paragraph 5(a) above, and/or to discourage employees from engaging in these union and/or protected concerted activities.

6.

(a) At various times during the past six months better known to Respondent, including March 11 and 22, 2022, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) at the facility, has been holding mandatory or effectively mandatory captive audience meetings to discourage union activity.

(b) On or about March 11, 2022, during a meeting at the facility described above in paragraph 6(a), Respondent, by (b) (6), (b) (7)(C), threatened its employees by stating:

- i. To maintain a direct relationship with Respondent, employees must vote against unionizing;



ii. If something is not in a union contract, it's not something that employees can raise or have a conversation about with Respondent; and

iii. TLA's are off the table. Sticky or gone.

(c) On or about March 11, 2022, during a meeting at the facility described above in paragraph 6(a), Respondent, by (b) (6), (b) (7)(C), suggested that unionization would be futile by stating that:

i. There is a constraint on the technology around tips and Respondent is not sure the Union is going to change that because contract negotiations aren't going to create code; and

ii. Collective bargaining takes however long it takes. On average a year to 18 months for any agreement to be reached. The Respondent's store in Buffalo, it's been three months, and nothing has been reached so just be mindful that nothing changes overnight.

(d) On or about March 11, 2022, at a meeting at the facility described above in paragraph 6(a), Respondent:

i. by (b) (6), (b) (7)(C), told its employees that all union partners would have to strike; and/or

ii. by (b) (6), (b) (7)(C), told its employees that there is no opt out for striking.

(e) On or about March 22, 2022, during a meeting at the facility described above in paragraph 6(a), Respondent, by (b) (6), (b) (7)(C), threatened its employees with a loss of benefits by stating that:

- i. Respondent would prioritize non-unionized stores over unionized stores.
- ii. If Respondent adds benefits, they will be added to non-unionized stores.

(f) Respondent engaged in the conduct described above in paragraphs 6(a)-6(e) because employees engaged in union and/or protected concerted activities and/or to discourage employees from engaging in these union and/or protected concerted activities.

7.

By the conduct described above in paragraphs 5 and 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

8.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

**WHEREFORE** as part of the remedy for Respondent's unfair labor practices alleged above, the General Counsel seeks an Order providing for all relief as may be just and proper including, but not limited to, requirements that Respondent:

(a) provide the Union with employee contact information, equal time to address employees if they are convened by Respondent for "captive audience" meetings about union representation, and with reasonable access to Respondent's bulletin boards and all places where notices to employees are customarily posted;

(b) provide ongoing training of Respondent's employees, including supervisors and managers, both current and new, on employees' rights under the Act and on compliance with the Board's Orders with an outline of the training submitted to the Agency in advance of what will be presented, and that the Federal Mediation and Conciliation Service ("FMCS") conduct such training of Respondent's employees;

(c) electronically distribute the Notice to Employees to all employees who are or have been employed by Respondent at its facility at any time since February 14, 2022, by text messaging, posting on social media websites, and posting on internal apps and intranet websites, if Respondent communicates with its employees by such means, and rescind and delete the Facebook posts by (b) (6), (b) (7)(C) referenced above in paragraph 5(b); and

(d) at a meeting or meetings scheduled to ensure the widest possible attendance, have (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) read the Notice to Employees and an Explanation of Rights to employees employed by Respondent at its facility on work time in the presence of a Board agent and a representative of the Union, OR have a Board agent read the Notice to Employees and an Explanation of Rights to employees employed by Respondent at its facility on work time in the presence of a representative of the Union and (b) (6), (b) (7)(C) and/or (b) (6), (b) (7)(C), and make a video recording of the reading of the Notice to Employees and the Explanation of Rights, with the recording being distributed to Respondent's employees by electronic means or by mail.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Complaint. The answer must be **received by this office on or before June 1, 2022.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE THAT** at, beginning at 9:00 a.m. on **the 13<sup>th</sup> day of September, 2022**, and on consecutive days thereafter until concluded, at a location and by a means and method to be determined, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 18<sup>th</sup> day of May, 2022.



---

Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
915 2nd Ave., Ste. 2948  
Seattle, WA 98174-1006

Attachments

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not

submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 19-CA-290905

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**E-Service**

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Alyson D. Dieckman, Attorney  
Renea Saade, Attorney  
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**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

SIREN RETAIL CORP. d/b/a STARBUCKS

and

WORKERS UNITED affiliated with  
SERVICE EMPLOYEES INTERNATIONAL  
UNION

CASE NO. 19-CA-290905

**ANSWER TO COMPLAINT**

Starbucks Corporation (“Respondent”) hereby answers the May 18, 2022 Complaint issued in the above-captioned matter as follows:

1.

Respondent admits that prior to receiving the present Complaint, it was served with an unfair labor practice charge filed by Workers United (the “Union”) dated February 18, 2022, it was served with a first amended unfair labor practice charge filed by Workers United (the “Union”) dated March 17, 2022, and it was served with a second amended unfair labor practice charge filed by Workers United (the “Union”) dated March 31, 2022. Respondent is without sufficient knowledge to admit or deny the alleged date the charge was filed or actually served and therefore, denies those remaining allegations in paragraph 1 of the Complaint.

2.

(a) It is not clear what period of time is encompassed by the phrase “at all times material” used in paragraph 2(a) of the Complaint. Respondent, therefore, only admits that since January 1, 2022 through the present time it has been a corporation with a place of business located at 1124 Pike Street, Seattle, Washington engaged in operating public restaurants selling food and beverages.

Respondent denies the remaining allegations in paragraph 2(a) of the Complaint.

(b) Admitted.

(c) Admitted.

(d) It is not clear what period of time is encompassed by the phrase “at all times material” used in paragraph 2(d) of the Complaint. Respondent, therefore, only admits that from January 1, 2022 through the present time it has been an employer engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act. Respondent denies any remaining allegations in paragraph 2(d) of the Complaint.

3.

It is not clear what period of time is encompassed by the phrase “at all times material” used in paragraph 3 of the Complaint. Starbucks Corporation, therefore, only admits that from January 1, 2022 through the present time, the Union has been a labor organization within the meaning of § 2(5) of the Act. Respondent denies any remaining allegations in paragraph 3 of the Complaint.

4.

It is not clear what period of time is encompassed by the phrase “at all times material” used in paragraph 4 of the Complaint. Respondent, therefore, only admits that at certain times between January 1, 2022 and the present time, (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) have worked for Starbucks as supervisors within the meaning of § 2(11) of the Act and/or been Respondent’s agents within the meaning of § 2(13) of the Act, acting on Respondent’s behalf. However, Respondent denies the overly broad allegation inferred by paragraph 4 of the Complaint that each and every action by all three individuals was always as an agent and/or on Respondent’s behalf.

5.

(a) Admitted.

(b) Respondent admits that (b) (6), (b) (7)(C) made a post on Facebook on or about

February 14, 2022. Respondent denies that the post threatened its employees by telling them they would lose their Term Limited Assignments, Arizona State University, and/or healthcare benefits if they unionized. Respondent further denies that “it” was responsible for the post. Respondent denies any remaining allegations in paragraph 5(b) of the Complaint.

(c) Denied.

6.

(a) Respondent admits that it held meetings with employees to discuss the union organizing petition described in Paragraph 5(a) of the Complaint. Respondent admits that these meetings included (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). Respondent denies the meetings were mandatory or effectively mandatory captive audience meetings to discourage union activity. Respondent denies any remaining allegations in paragraph 6(a) of the Complaint.

(b) Denied.

(c) Denied.

(d) Denied.

(e) Denied.

(f) Denied.

7.

Denied.

8.

Denied.

Respondent further denies it has committed any unfair labor practices or that the General Counsel is entitled to any remedial Order, any special or extraordinary remedies sought in the Complaint, and/or to any other relief.

WHEREFORE except as specifically admitted above, Respondent denies each and every

remaining allegation or request for relief in the Complaint.

### **AFFIRMATIVE AND OTHER DEFENSES**

Without assuming any burden of proof, persuasion or production not otherwise legally assigned to it as to any element of the claims alleged in the Complaint, Respondent asserts the following additional defenses:

1. The allegations in the Complaint fail to state a claim upon which relief may be granted.
2. The allegations in the Complaint are impermissibly vague and ambiguous and a denial of due process.
3. The allegations in the Complaint, and the charges underlying the Complaint, were filed and made in bad faith and this action is being pursued for vexatious and improper purposes, including to infringe upon Respondent's rights and the operation of its business and to cause Respondent unnecessary expense.
4. To the extent that the Complaint contains allegations that are beyond the scope of the charge(s), such allegations are barred.
5. At least in part, the determination to issue the Complaint was made without affording Respondent adequate notice of the purported basis for the Charge and/or a fair and equal opportunity to present evidence responding to the Charging Party's claims, and as a result without such notice or evidence, thus depriving Respondent of the due process to which it is entitled.
6. Respondent has acted at all times in good faith and in compliance with the Act and pursuant to its well-established rules and practices.
7. Respondent acted at all times in accordance with its lawful property and managerial rights.

8. The purported violations of Section 8(a)(1) alleged in the Complaint are barred to the extent that they conflict with, are contrary to, and precluded by the free speech rights Respondent has under Section 8(c) of the Act.

9. Any statement made by any of Respondent's supervisors and/or agents fall within the scope of Section 8(c) of the Act, and as such, neither constitutes nor can be used as evidence of an unfair labor practice.

10. The purported violations of Sections 8(a)(1) alleged in the Complaint are barred to the extent that they conflict with, are contrary to, and precluded by Section 10(c) of the Act.

11. The allegations in the Complaint are contrary to, precluded by, and violate the First Amendment rights of Respondent.

12. None of the alleged violations of the Act are predicated upon conduct that could be found to have interfered with, restrained, or coerced any employees in the exercise of rights guaranteed in Section 7 of the Act.

13. The National Labor Relations Act, as interpreted and/or applied, violates the Respondent's rights under the U.S. Constitution.

14. The allegations in the Complaint are directly contrary to long-settled Board law, violate Respondent's Constitutional rights and have a clear chilling effect on Respondent's constitutional and statutory rights to communicate with its partners about unions including without limitation their right to refrain from supporting any union.

15. Assuming, *arguendo*, any Complaint allegation is found to be a violation of the Act, a retroactive remedy would be a manifest injustice and denial of due process.

16. Assuming, *arguendo*, any Complaint allegation is found to be a violation of the Act, the remedies requested are inappropriate as a matter of law.

17. The remedies sought by the General Counsel, including but not limited to, reading the notice to employees, providing Union with contact information for partners and providing the Union with equal access to the store, to respond to any address made by Respondent to employees regarding the issue of union representation are not authorized by the NLRA. Alternatively, these remedies are extraordinary remedies not appropriately awardable in this case and do not reflect the remedial (and not punitive) intent of the NLRA (as a whole).

18. The conduct alleged in the Complaint had a *de minimis* impact, if any, on rights guaranteed by Section 7 of the Act and thus no remedy exists that would further the purposes of the Act.

19. Assuming, *arguendo*, any Complaint allegation is found to be a violation of the Act, such a violation has been cured.

20. Any admission(s) herein, unless otherwise specified, is made with the limited interpretation that the otherwise undefined phrase “at all material times” refers strictly to a limited timeframe covering only the period of time during which the disputed “allegations” contained in the Complaint are being claimed.

21. The General Counsel lacks the proper authority to issue and litigate the Complaint.

22. Insofar as this case comes before the Board, Members Gwynne Wilcox and David Prouty should recuse themselves based on their past, present, and perceived relationship with the Service Employees (“SEIU”) International and Local Unions, and their affiliates, including the Charging Party Workers United.

23. Nothing herein shall constitute a waiver of Respondent’s objections to the mail-ballot election held in 19-RC-290608 (ballots were counted on April 21, 2022) or its Request for Review of the Regional Director’s Decision on said Objections and Certification of Representative

filed on May 31, 2022. Instead, Respondent reserves all objections lodged and incorporates by reference the same herein.

24. Respondent reserves the right to amend, modify, revise, and plead further any additional defenses, affirmative or otherwise, during the course of these proceedings.

**WHEREFORE**, Respondent Starbucks Corporation requests that an Order dismissing the Complaint in its entirety with prejudice, be entered and that Respondent have such other and further relief to which it may be entitled.

Dated: June 1, 2022

/s/ Renea I. Saade

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CERTIFICATE OF SERVICE:

I hereby certify that on the 1st day of  
June, 2022, a true and correct copy  
of the foregoing document was served on:

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By ☐ Hand ☐ Mail ☒ Email

/s/ Nancy Kruse  
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